

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

TIMOTHY LEE SUNDAY, #213453,	)	
	)	
Petitioner,	)	
	)	
v.	)	CASE NO. 3:07-CV-723-MEF
	)	
LEE COUNTY CIRCUIT COURT, et al.,	)	
	)	
Respondents.	)	

**ORDER**

On August 27, 2007, the petitioner filed a document in which he seeks relief under Rule 60(b), *Federal Rules of Civil Procedure*, from the prior ruling of this court issued in *Sunday v. Ferrell, et al.*, Civil Action No. 3:03-CV-502-MHT (M.D. Ala.), affirmed on appeal February 10, 2006, reconsideration denied April 5, 2006, that his habeas petition challenging a 1999 conviction for first degree sexual abuse be denied. The petitioner further asserts, as he did in both the 2003 habeas petition and the initial habeas petition filed in the instant cause of action, that he is entitled to relief from the aforementioned sexual abuse conviction on the merits of his substantive habeas claims. In light of the foregoing, it is

ORDERED that Court Doc. No. 5 be construed to contain a Rule 60(b) motion

Done this 28th day of August, 2007.

/s/ Wallace Capel, Jr.  
WALLACE CAPEL, JR  
UNITED STATES MAGISTRATE JUDGE